

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STANLEY CARL SAHM,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION,

Defendant.

No. 2:20-cv-01941 DB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner seeks habeas relief in relation to his 1988 murder convictions. By order dated January 21, 2021, the court screened the petition and determined it should be dismissed as plaintiff's claims would not impact the duration of his sentence, sought to overturn a BPH decision, and were potentially unexhausted. (ECF No. 4.) Plaintiff was given sixty days leave to file an amended petition and warned that failure to file an amended petition would result in a recommendation that this action be dismissed. (ECF No. 4 at 6-7.) Those sixty days have passed, and plaintiff has not filed an amended petition, requested additional time to file an amended petition, or otherwise responded to the court's order. Accordingly, the court will recommend that this action be dismissed for failure to prosecute and failure to comply with court orders.

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For the reasons state above, the Clerk of the Court is ORDERED to randomly assign a district judge to this action.

IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within thirty days after being served with these findings and recommendations, plaintiff may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order.

Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: April 22, 2021


DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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